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RESOLVING COMMUNITY DISPUTES: SOCIAL CONFLICT AND SOCIAL CONTROL

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Community conflict has interested sociologists for many years. There has been a traditional view expressed in the literature (Coser) that conflict can play a number of positive functional roles in providing a force for community solidarity or allowing for the escape of tension that builds up in tightly knit groups. However, conflict can also has negative effects, where it can escalate to violence and crime. The conventional view of conflict as an independent variable has been recently complemented with work that has studied conflict as a dependent variable, open to influence from a number of community based factors, most specifically at the individual level (Duke). An important area of research treating conflict in this way focuses directly on dispute resolution in community settings. Research on dispute resolution involves studying the conditions under which injuries are perceived or go unnoticed and how people respond to the experience of injustice and conflict (Felstiner, et al., 632).

This interest in dispute resolution has evolved partially from research on dispute careers, drawing from the anthropological literature (Gulliver ; Nader and Todd). This offers a view of disputes as having distinct careers (Kidder) where the cultural constraints of the societies dictate the nature of resolution, often through informal sanction and control. In North American society, a view has been expressed (Nader and Singer,262) that the formal approach of legal sanctions and punishment adopted in our ways of dealing with problems has left much conflict in society submerged. Too little conflict is acknowledged or dealt with. Too few wrongs are perceived, pursued, and remedied.

What has brought this debate recently to the forefront is the increased interest in informal justice. This has evolved from the attempts that have been made to deal with the congestion of the formal court system (Sander) and the recent trend towards community policing (Shaffer; Moore and Brown), the latter coming out of renewed interest in community crime prevention (Lavrakas). As a means of confronting conflict through more informal means, emphasis has been placed on community mediation as a way of resolving disputes. This mediation operates on the assumption that community based justice in less serious crime and in civil disputes will be more responsive to community needs and will result in more satisfactory and long lasting solutions to

disputes (Danzig).

Community Solidarity and Dispute Resolution

There has been some considerable debate about the efficacy of community (or informal) justice with scholars disagreeing over whether or not the community solidarity that is required for dispute processing exists in North American society (Danzig and Lowy; Felstiner). Felstiner says that in this society, avoidance is common (as shown by the amount of unreported crime as well as recent evidence on the extent of unresolved disputes). The reason for this avoidance, he says, is partially a result of the lack of community solidarity needed to provide ongoing mediation of interpersonal disputes. North American society relies instead on adjudication and the concomitant deterrent effect of legal sanction in resolving disputes.

What the avoidance concept implies for criminal deterrence is that unless people are sufficiently committed to their own strong response to crime, as provided for by Black's concept of self-help (Black, b, 34), there will be large numbers of unresolved disputes. This will include disputes involving criminal action that is unreported to the police and undeterred by informal action. The extensiveness of these disputes provides support for the imposition of stricter legal sanction (and punishment) to compensate for the vacuum created by avoidance. We will discuss this issue of punitiveness below.

Danzig disagrees that North American society cannot entertain the encouragement of informal mediation because of low community involvement. In his terms, the problem does not lie in community solidarity but rather with overcriminalization and overcentralization. There is evidence, he argues, that a number of would-be complainants do not proceed through the police and court system because they think that the incident is a private, not a criminal, matter. In this context, community solidarity is not in question, rather the reliance on formal agencies for sanctioning all conflict is. Avoidance need not occur if people are encouraged to use community resources to resolve disputes. Further, there is recent evidence in the community literature that ties to others in one's neighborhood and involvement in local community

life do , in fact, provide support in the face of neighborhood problems, including local crime (Riger, et al.; Wellman and Leighton).

Relational Distance and Dispute Resolution

This raises the question whether community solidarity leads equally to resolution in disputes between strangers and intimates. Black (a) points out that people in intimate relationships, such as members of the same family and household, find that legal officials (i.e. police and court agents) are less concerned about their conflicts, particularly if they occur in private and do not disturb anybody. These groups are left to their own devices to resolve their disputes. When strangers are involved, however, police are more likely to act. According to Black, it can then be concluded that the willingness of the police to use penal tactics varies directly with the relational distance between the parties in conflict (Black, a, 164).

Of course, this behavior on the part of the police is premised on the belief that intimates are more likely to be able to resolve their own problems. In addition, the disputants have to continue living with one another and so the police often assume a conciliatory rather than a penal response to these disputes. The assumption that intimacy leads to a greater likelihood of dispute resolution needs to be examined in the context of community support systems and variations in the characteristics of disputants.

Punitiveness and Dispute Resolution

As pointed out above, the desire of disputants for punishment of their antagonists is also important in dispute resolution. The bad feelings that are generated by disputes may drive the disputants further away from one another. As Merry and Silbey argue, a citizen with unresolved disputes may want vindication, protection of his or her rights, an advocate to help in the battle, and a third party to uncover the truth and find the other party wrong. The level of punitiveness should increase, with disputants wishing vengence on one another.

When talk and avoidance fail, disputants may conceptualize their problem as a principled grievance for which they would demand an authoritative and binding solution (Merry & Silbey). Disputes which may have started as conflicts of interest with limited and negotiable goals may expand into general grievances which have expanded beyond the original dispute to include insult, shame, guilt and so on. Retribution through an attempt to include a third party who can invoke law and punishment becomes a guiding principle in the escalation of these disputes (Black and Baumgartner). This view of retribution may, of course, vary by the degree to which community solidarity is invoked to reduce the impasse between individuals and provide a basis for dispute resolution through informal rather than formal (e.g. police) means. It may also be affected by the level of intimacy of the disputants.

Types of Disputes

We would naturally expect that the degree to which solidarity, intimacy, and retribution affect dispute resolution will depend on the type of dispute that individuals are faced with. Merry identifies three types of disputes that can be encountered in urban communities. These include property crime and crime initiated disputes, neighborhood social order problems and interpersonal conflicts.

Property crimes (these can be seen as pre-dispute) are most often for the enrichment of the perpetrators and occur between strangers. Crime initiated disputes, including violent attacks and threats against the person, occur most often, Merry says, between acquaintances. In her study Merry found that these types of disputes were most often resolved through the use of the police or the direct use of violence.

Neighborhood social order disputes erupt, according to Merry, over physical and social order. These disputes occur between people who are acquainted but are not friends and do not share a similar culture or life style. These disputes often go on for a long time and are fought out bitterly between the people who enter into the dispute.

The third type of dispute, the interpersonal conflict, relate to breaches in ongoing relationships which may include personal rivalry or insult. We can add to this

list disputes that occur because of misunderstandings or because of one party reneging on an agreement with the other person.

While Merry points out that these disputes are most often between people engaged in ongoing relationships what is left unanswered is the question of how relational distance can affect their resolution and the role that community solidarity and punitiveness play in this process. There is a need to examine the relative importance of these different factors which combine to bring about the successful resolution of disputes. In addition, does this resolution vary across groups with socio-economic status, age or marital status affecting the end result?

The Study

The results reported here are drawn from the 1984 Edmonton Area Study, the eighth in a series of annual surveys conducted by the Population Research Laboratory at the University of Alberta in February, 1984. The questionnaire, administered to a cross-sectional sample of the residents of the City of Edmonton, involved a one hour structured interview. Recent municipal records were used to generate a simple random sample of 560 addresses. In family households chosen, either the husband or wife was eligible for interviewing. In non-family households (i.e. any person or group of non-related persons occupying a dwelling) any member over 18 years of age was eligible. Because of the concern that women would be more likely to be home and thus would be oversampled, interviewers were instructed to obtain an equal number of male and female respondents by requesting to speak to a male in the first contact until a sufficient number was included. Fifty-one percent of the final respondents were males and 49% were females. The median age of the sample was 34 years. This year's study included 452 respondents for a 81 percent response rate.

Measures

The dependent variables which will be examined in this research include measures of whether or not disputes of different types have been resolved by the repondents. The respondents were asked if they had been involved in any of the following disputes in the previous three years: (a) someone refused to pay money they

owed; (b) someone in the neighborhood was causing the respondent problems or being a nuisance (e.g. making noise late at night); (c) someone threatened to harm the respondent physically; (d) someone physically attacked the respondent or took something from the respondent by force; (e) someone broke into the respondent's home. Because of small numbers, the questions on the resolution of the disputes relating to physical attack, threat, and break-in are combined into one variable. This parallels Merry's criminal disputes. Money disputes are typical of Merry's interpersonal conflicts. Criminal, neighborhood and money disputes will be treated as separate dependent variables. The response categories are yes (1) and no (2).

The demographic characteristics included in the analysis are age (measured in years); income (less than $30,000=1; greater than $30,000=2); marital status (single=1; all other=2); and home-ownership (own=1; rent=2).

Community solidarity is measured through the question "people won't work together to get things done for the community". The responses were placed on a seven point scale from strongly disagree (1) to strongly agree (7).

Social support is measured on two dimensions. One relates to the individual's feeling of loneliness. Respondents were asked to respond to how often they have any of the following feelings: "I feel that I'm on the edge of the circle of my friends."; "My family gives me the moral support that I need"; and "People are around me but not with me". The answers were ranked (1)never (2)rarely (3)sometimes (4) often. In addition, social support was measured through questions asking about the frequency of contact with friends and relatives and knowledge of neighbors. These questions asked: "how many of the adults in this neighborhood would you know by name if you met them on the street?" This is coded (1)none (2) almost none (3)less than half (4)about half (5)more than half (6)almost all (7)all. "How often do you get together with your friends?" and "How often do you get together with relatives?" These are coded (1) daily (2)1-3 times per week (3)1-3 times per month (4)less than once a month (5)never.

The disputants are identified by asking the respondent who the other party in the dispute was. For our purposes here, we have coded these responses as stranger (2) and all others (including family and friends) (1).

Finally, the attitude towards the degree of punitiveness and support for the formal justice system is measured by a question asking the respondent's agreement or disagreement with the statement "We have a moral obligation to punish those who break the law." The responses range from strongly disagree (1) to strongly agree (7).

Results

Looking first at the question of who is involved in the different disputes (see Table 1), we find that the average age for those in money disputes is about 31, for neighborhood disputes is 35, and for criminal disputes it is about 33. The respondents in criminal disputes and money disputes are likely to be renters (for both the X=1.73) with neighborhood disputes almost evenly split between owners and renters (X=1.58). Singles seem likely to be involved in criminal (X=1.65) or money disputes (X=1.64) than in neighborhood (X=1.79) disputes. Similarly, income levels are lower in criminal (X=1.43) and money disputes (X=1.43) than in neighborhood disputes (X=1.49).

These data paint a picture of younger, lower income and more transient groups involved in the disputes revolving around personal threats and attacks and disagreements over money with older, with more affluent people contesting others in neighborhood disputes. There are varying conditions under which disputes emerge. Do these differences translate into setting different conditions for the resolution of these disputes?

We examine the predictors of dispute resolution, including measures of community solidarity and social support, attitudes towards punitiveness, and the relationship between disputants, relative to one another in a series of multiple regression analyses presented in Table 2. The dependent variables involve the success or failure of resolving criminal, neighborhood, and money disputes.

Looking first at the criminal based dispute, we find that the most important predictor of success in resolution is the measure of who is the other person in the dispute, a stranger or an intimate. Where intimates are involved, the dispute is more likely to be resolved (b=.36). Income is also a significant predictor of resolution, with those with higher incomes expressing more success in bringing the dispute to some conclusion (b=-.23). In terms of community support, where people disagree that people in the community won't work together, they have succeeded in resolving their dispute (b=.24).

Dispute resolution of criminal disputes appears to be conditional on community solidarity as outlined by Felstiner. He goes further to argue that because of the absence of this solidarity and the presence of strangers in North American cities, disputes can remain with no mechanism available to deal with them successfully. What is evident from these findings, however, is that these forms of support do exist and where they operate they are very important in the resolution process.

Money disputes present a somewhat different picture in terms of resolution. The most important predictor is the number of neighbors known by name in the community (b=-.29). Also important is the view of the individual concerning his or her integration into a friendship network. Where the respondent often feels on the edge of his or her friends, money disputes remain unresolved (b=.22). The importance of social networks in dealing with money problems is not surprising giving the importance that these networks have in providing help to individuals. That this resolution is not conditional on who is the other person in the dispute is more surprising. What is noteworthy in the comparison of this dispute to the criminal dispute is the fact that a closer type of intimate network can be used to resolve these while the latter seems to depend on a more generalized view of community support.

Looking at the neighborhood dispute, we find that the resolution is predicted by peoples' views of the obligation that society has to punish offenders (b=.25) and by whether or not individuals feel that their family provides them with moral support (b=-.20). In addition, feeling on the edge of friends is significant where social support leads to resolution (b=.20). The first factor presents a picture of neighborhood

disputes as riding on principle, where emotions can run high over what appear from the outside to be minor disagreements. Merry and Silbey point to the problems of neighborhood disputes being difficult to deal with through mediation because of the strong feeling of having to get retribution through the courts for the pain or inconvenience caused. Our findings about punitiveness leading to resolution problems seem consistent with this view. Also, in dealing with neighborhood problems, family and friendship solidarity is often needed. This is especially the case if neighbors choose sides and children become players in the dispute. The need for moral support from family and friends to aid in the successful resolution of disputes seems to flow from this scenario.

Summary and Conclusions

What is noteworthy in these findings is the fact that the different disputes are a function of selected pressures in the community. Criminal disputes are resolved in the context of broad community support. Money disputes are resolved through the support of a network of intimates. Neighborhood disputes seem to generate feelings of punitiveness, with resolution possible only when this punitiveness is low. The importance of these factors in the resolution process provides support for the view that disputes can be contained through community effort, although some will get out of hand, regardless of the social networks available. It is equally clear that there is no inevitability that social contact will break down, through avoidance, in working out disputes in advanced societies, as proposed by Felstiner.

These results provide an important insight into disputes and provide some advances in our view of the nature of the role of third parties in affecting the resolution process. As Mather and Yngvesson argue disputes come to be defined according to the narrowing or expanding of the definitions used by third parties in responding to the disputes. The definition of the dispute goes further to the assessment of the quality of support available to disputants in handling the problem. This reinforcement of the view expressed in the community literature that social support is a necessary element in maintaining social control is echoed in the argument that the control of social conflict derives from these supporting ties. However, again

the nature of the support that is needed will vary by the type of dispute that is encountered.

These findings are important further for the insight that they provide of the study of conflict as a dependent variable. The issues that remain to be examined concern the importance of formal agents (e.g. police and courts) in complementing the community role, as is being proposed in strategies to develop community policing or neighborhood mediation programs. In a related way, criminologists should be concerned with the conditioning effects of community solidarity or interpersonal punitiveness on disputes that have potential to be dealt with as criminal , yet are resolved informally before coming to the attention of the police. Equally, the escalation of disputes to violent acts may be seen to occur because of the lack of solidarity or because of a desire for vengence. Third party influences on the escalation of violence acknowledges the importance of social context in promoting crime (Felson, et al.).

This analysis of dispute resolution must also be considered in light of the argument presented by Black(c) that the nature of social conflict will predict and explain how it will be handled. He discusses this reaction to conflict as "social control". The rethinking of the nature of community conflict opens up the possibility that our understanding of the bases for social control will change, as well. From Black's point of view, social control is a natural phenomenon that varies with its location and direction in social space. Our findings that conflict resolution takes on different character according to the nature of the dispute sheds greater light on the depth of social space affecting the way that we formulate social control. The nature of the relationship between conflict and control presents a promising area for future research.

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